

MOTION

A.6

6. Strata Title Policies for RS, RT and RM Zones

MOVER: Councillor _____

SECONDER: Councillor _____

THAT the amendments to the document entitled "Strata Title Policies for RS, RT and RM Zones" be approved by Council for use by applicants and staff for development applications in the new RM-7 and RM-7 N, and RT-11 and RT-11N Districts.

* * * * *

AMENDMENTS TO THE STRATA TITLE POLICIES FOR RS, RT AND RM ZONES

Note: Amendments to Council-adopted guidelines will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting. **Bold** denotes changes to the guidelines.

1 Application and Intent

These guidelines apply to the strata titling of previously occupied buildings or new construction in the RS, RT and RM zones.

Under Section 242 (1) of the Strata Property Act of British Columbia, City Council is the approving authority for conversion of previously occupied buildings into strata lots. Pursuant to Section 242 (10) of the Strata Property Act, Council has delegated its approval authority to the Approving Officer for previously occupied buildings containing less than six dwelling units.

Newly constructed buildings, which are not occupied prior to registration of a strata plan at the Land Title Office, do not require the approval of City Council or the Approving Officer.

2 Secondary Suite

In the RS, RT and RM zones, one secondary suite is conditionally permitted **in a one-family dwelling**. The suite can either be built at the same time a new one-family dwelling (i.e. house) is being constructed, or a suite can be incorporated into an existing one-family dwelling. The construction and safety requirements of the Vancouver Building By-law (VBBL) for a secondary suite within an existing one-family dwelling (which may not be strata titled) are less demanding than for new construction.

In the RT-11 and RT-11N, and RM-7 and RM-7N zones, one secondary suite is conditionally permitted in each principal dwelling unit of a two-family dwelling. The suites can either be built at the same time a new two-family dwelling is being constructed or incorporated into an existing two-family dwelling. In the latter case, construction and safety requirements of the VBBL need to be confirmed.

Terms regarding suites are not the same in the Vancouver Building By-law and the Zoning and Development By-law (Z&D). The VBBL terms include Secondary Suite and Group "C" Residential Occupancy Classification. The Z&D terms include **One-Family Dwelling with Secondary Suite and Two-Family Dwelling with Secondary Suite**. Contact Development Services staff (VBBL) or Planning staff (Z&D) for how these two by-laws apply in your specific situation.

Developments with Secondary Suites may be strata titled in some instances, however a secondary suite cannot be defined as a separate strata lot under any circumstances.

3 Laneway House

In the RS-1, RS-5, RT-11 and RT-11N, and RM-7 and RM-7N zones, a laneway house is conditionally permitted. A new laneway house can be built on a site which accommodates an existing one-family dwelling, or a new laneway house can be built in conjunction with a new one-family dwelling. In both cases, the one-family dwelling can also include a secondary suite.

4 Principal Dwelling Unit with Lock-off Unit

In the RT-11 and RT-11N zones, a principal dwelling unit with lock-off unit is conditionally permitted in an infill one-family dwelling, infill two-family dwelling, one-family dwelling and two-family dwelling provided it is on a site with more than two principal buildings and the site area is 511 m² (5,500 sq. ft.) or greater in size.

In the RM-7 and RM-7N zones, a principal dwelling unit with lock-off unit is conditionally permitted in a multiple dwelling.

For new construction, as a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property prior to issuance of the Development Permit. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the number of approved principal dwelling units (i.e., the lock-off unit cannot be defined as a separate strata lot).

5 Policies

The following outlines the policies for the conversion of previously occupied buildings or new construction to strata title ownership in applicable zoning districts.

5.1 In the RS-1 and RS-5 Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law;
- (c) a unit is approved as a laneway house as defined in the Zoning and Development By-law; or
- (d) a unit is approved as a laneway house as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for:

- (a) a new One-Family Dwelling with a Secondary Suite;
- (b) a new One-Family Dwelling with a new laneway house; or
- (c) a new One-Family Dwelling with a Secondary Suite and a new laneway house

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

5.2 In the RS-1A, RS-2, RS-3, RS-3A, RS-4 and RS-6 Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for a new One-Family Dwelling with Secondary Suite, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

5.3 In the RS-7 Zone

Conversions

Council, or the Approving Officer, will not entertain any application to convert a previously occupied building to strata title ownership where:

- (a) the site is less than 668 m²;
- (b) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law; or
- (c) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for:

- (a) a new Two-Family Dwelling on a site less than 668 m²; or
- (b) a new One-Family Dwelling with a Secondary Suite

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

5.4 In the RS-1B, RT and RM Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law; or
- (c) a unit is approved as a laneway house as defined in the Zoning and Development By-law or the Vancouver Building By-law.

An exception may be made for existing developments containing two or more principal dwelling units (One-Family Dwelling with Infill Dwelling, Two-Family Dwelling or Multiple Conversion Dwelling), in combination with Secondary Suites or Lock-off Units. In these cases, Council or the Approving Officer may consider an application to convert the previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units (i.e. a Secondary Suite or a Lock-off Unit cannot be defined as a separate strata lot).

All other applications to convert previously occupied buildings to strata title ownership, including a One-Family Dwelling with a new Infill Dwelling, Two-Family Dwelling or Multiple Conversion Dwelling will be subject to approval by City Council or the Approving Officer and the process outlined in the City's Strata Title and Cooperative Conversion Guidelines.

New Construction

- (a) One-Family Dwelling with Secondary Suite, One-Family Dwelling with Laneway House, or One-Family Dwelling with Secondary Suite and Laneway House

As a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

- (b) New Developments containing two or more principal dwelling units, in combination with Secondary Suite(s) or Lock-off Units

As a condition of development permit approval for a new development containing two or more principal dwelling units (One-Family Dwelling with an Infill Dwelling, Two-Family Dwelling or Multiple Dwelling), in combination with Secondary Suites or Lock-off Units, the registered owner shall execute a covenant to be registered against the title of the property. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principal dwelling units (i.e. a Secondary Suite or a Lock-off Unit cannot be defined as a separate strata lot).

* * * * *